IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 20839 of 2004

Between:

V.Ganesh Kumar,

D.No.38-35-3, Ranapratap Nagar,

Marripalem, Visakhapatnam.

.... PETITIONER

AND

1 The Municipal Commissioner,

Municipal Corporation of Visakhapatnam,

Municipal Corporation buildings, Visakhapatnam.
2 The City Planning officer,

Municipal Corporation of Visakhapatnam,

Municipal Corporation buildings, Visakhapatnam.

..... RESPONDETS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in interfering with the constitution of the building of petitioner as highly arbitrary, illegal and violation of Article 14 of Constitution of India and consequentially direct the respondents to follow the due procedure established under Hyderabad Municipal corporation Act, in respect of the building of the petitioner situated at House, No/plot No.38-35-3, 38-35-7, T.S.No. Ward No.42, Ranapratapnagar, Marripalem, Visakhapatnam.

Counsel for the Petitioner: MR.T.M.K.CHAITANYA

Counsel for the Respondents: MR.T.S.VENKATARAMANA

SC for V.M.C.

The Court at the stage of admission made the following

ORDER:

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents. At their request, the writ petition is taken up for disposal at the stage of admission itself.

The only grievance of the petitioner in the present writ petition is that after obtaining building permission when the petitioner is proceeding with the construction, the respondents without issuing any notice are resorting to demolish a pillar, which was constructed for supporting the slab though the same is not hazardous to the public or posing public injury.

In the affidavit filed in support of the writ petition it is nowhere stated that the erection of the alleged pillar was not in deviation of the sanctioned plan.

In the facts and circumstances of the case, the respondents, without issuing notices under Sections 452 and 638 of the H.M.C. Act, cannot demolish the structure of the petitioner, even if it is not in accordance with the sanctioned plan.

With the said observation, the writ petition is dismissed. No costs.

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A. GOPAL REDDY, J

11th November, 2004

Note: Issue operative portion by wire

at party's costs.

(B/o)

Tsr

To

1 The Municipal Commissioner,

Municipal Corporation of Visakhapatnam,

Municipal Corporation buildings, Visakhapatnam.

2 The City Planning officer,

Municipal Corporation of Visakhapatnam,

Municipal Corporation buildings, Visakhapatnam.

3. Two CD copies